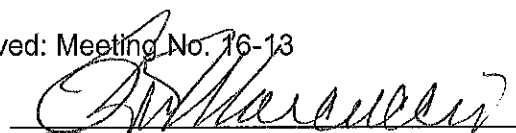



Approved: Meeting No. 16-13

Attest:

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND

January 28, 2013

Meeting No. 04-13

7:00 p.m.

Present:

Mayor Phyllis Marcuccio, Councilmember John F. Hall, Jr., Councilmember Moore, Councilmember Newton, and Councilmember Pierzchala.

Staff Present:

City Manager Barbara Matthews, City Clerk Doug Barber, and City Attorney Debra Yerg Daniel.

1. Convene

The Mayor and Council convened on Monday, January 28, 2013 at 7:00 p.m. in the Mayor and Council Chambers, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland.

2. Pledge of Allegiance

Mayor Marcuccio led the Pledge of Allegiance.

3. Agenda Review

City Clerk Barber reported that the draft agenda for February 4 had been modified.

4. City Manager's Report

City Manager Barbara Matthews reported that the Rockville City Police Department recently participated in the Annual Polar Bear Plunge in the Chesapeake Bay. Over 20 members of the police department participated and raised more than \$4,000 for the Maryland Special Olympics.

5. Appointments/Reappointments and Announcement of Vacancies

Cultural Arts Commission - John Moser (Reappointment as member until 01/01/16)

Motion: to reappoint John Moser to the Cultural Arts Commission as a member until 01/01/06.

Moved by Councilmember Hall, seconded by Councilmember Newton and unanimously approved.

Sign Review Board - Jay Feinstein (Appointment as an Alternate member until 01/01/16)

Motion: to appoint Jay Feinstein to the Sign Review Board as an alternate member until 01/01/06.

Moved by Councilmember Pierzchala, seconded by Councilmember Hall and unanimously approved.

Mayor Marcuccio announced vacancies to the following City Boards and Commissions: Cultural Arts Commission, Human Rights Commission, Planning Commission, and the Rockville Scholarship Foundation.

6. Presentation - Rockville Economic Development Inc. Update

Laurie Boyer, Executive Director of Rockville Economic Development, Inc. (REDI) overviewed REDI's year in review for 2012 as follows:

- The Innovate Program graduated 20 people in December and five companies have already started up as a result;
- Hosted a Cofounders Wanted meeting;
- Acquired 3 new incubator tenants at the William E. Hanna Jr. Innovation Ctr and Rockville Innovations center;
- Acquired Tapit in Town Square area;
- Growth and success of incubator firms;
- Met with several businesses and one hotel interested in Rockville;
- Efforts to promote Rockville companies through Sentinel and other means;
- Activities of the Rockville Women's Business Center
- Regal Row Parking Coordination efforts

At the conclusion of Ms. Boyer's report, the Mayor and Council discussed the definition of virtual tenants and the amenities available to those tenants; the success of the Women's Business Center over the past two years; the seminars are extremely valuable; the use of Rockville 11 for regal row parking outreach efforts.

7. Citizen's Forum

Citizen

Issue

Jacques Gelin

Support of the Anderson Alley Rain Garden

James Wallenmeyer

Support for the Anderson Alley Rain Garden

Phyllis Wallenmeyer

Supports the Anderson Alley Rain Garden.

8. Mayor and Council's Response to Citizen's Forum and Announcements

Councilmember Hall

Thanked everyone for their input over the course of the Anderson Alley issue; he said that the matter would be taken up again in the near future.

Councilmember Newton

Noted the efforts of James Wallenmeyer and said that she hopes his Eagle Scout project will involve this issue.

Mayor Marcuccio

Thanked James Wallenmeyer and asked him to announce the web address for the Facebook page that he had created specific to this issue.

9. Mayor and Council Reports

Councilmember John Hall said that he had attended the City's 41st Martin Luther King, Jr. Birthday event and thanked City Staff for their efforts in making the event so successful.

Councilmember Newton reported that she had attended the VisArts Comedy Night and the event was a huge success. Councilmember Newton also mentioned that the East Rockville Civic Association is requesting that the park located at Grandin Avenue be named after Phyllis Kavanaugh, a longtime resident who took a great deal of care for that park.

Mayor Marccucio said that she had attended the Rockville Earned Income Tax Awareness Day and urged those who are eligible to seek help with income tax preparation through the City's VITA program.

10. Consent Agenda

Councilmember Newton requested that items B, D and E be removed from the Consent Agenda.

Motion: to approve Consent Agenda items A, C, F, G and H.

Moved by Councilmember Moore, seconded by Councilmember Hall and unanimously approved.

- A. Award IFB#33-12, Construction of Sanitary Sewer System Rehabilitation in the Amount of \$433,858.10.
- C. Award of Invitation for Bid (IFB) 02-13, Social Hall Interior Renovation at the F. Scott Fitzgerald Theatre, Rockville Civic Center Park in the amount of \$197,200.
- F. Introduction of Bond Ordinance to Authorize the competitive Sale of Tax-Exempt 2013B General Obligation Bonds in an Amount Not to Exceed \$7,000,000 for the Purpose of Refunding Outstanding Debt Previously Issued in 2003 and Related Issuance Costs.

- G. .Award of Contract for the Purchase of Floor Coverings, Replace, Furnish and Install Through Fairfax County Contract RQ08-972529-22A for the Period Through July 31, 2013, in an Aggregate Amount Not to Exceed \$180,000

H. Approval of Minutes

Meeting 29-12 (September 10, 2012)
Meeting 30-12 (September 24, 2012)
Meeting 31-12 (October 1, 2012)
Meeting 32-12 (October 8, 2012)
Meeting 33-12 (October 15, 2012)

Regarding item B, Councilmember Newton wondered if the City had ever explored leasing equipment. Director of Public Works, Craig Simoneau responded that leasing is not cost effective especially because this piece of equipment is used a great deal. He said it is the workhorse of the operation. Councilmember Newton also wondered if the City has explored possibility of purchasing natural gas vehicles. Mr. Simoneau responded that the City is exploring this option for refuse vehicles.

Motion: to approve Consent Agenda item 10 B - Award of Contract in the Amount of \$411,076 for the Purchase of a Jet/Vacuum Sewer Cleaner Vehicle through the National Joint Power Alliance (NJPA) #031710-AMI.

Moved by Councilmember Newton, seconded by Councilmember Moore and unanimously approved.

Regarding Item D, Mayor Marcuccio said that this is simply to adopt the HEART Act which is a technical amendment. With respect to the year-end portion, Councilmember Newton said that she hoped that this would not have an impact as to when the Mayor and Council receive the report from the actuaries. Mr. Cohen responded that Finance will do its best to have the latest report in the financial statement that the Mayor and Council receive. Councilmember Pierzchala explained why the Retirement Board took this matter up.

Motion: to approve Consent Agenda D. Pension Plan Amendment - HEART Act Requirements and Plan, Year End Change

Moved by Councilmember Bridget Donnell Newton, seconded by Councilmember Pierzchala and unanimously approved.

Regarding Consent Agenda Item E, Councilmember Newton asked about the discrepancy regarding the \$20 million maximum figure because when the figures are added up it equals a little over \$19 million. Mr. Cohen explained that by setting the amount a little higher than what the City actually wants allows for some flexibility when the bids come in. This provides the City with the opportunity to resize the issue if need be.

Councilmember Newton inquired if the stream that runs through the Fallsmead neighborhood had been factored in to the prioritization schedule. Mr. Simoneau responded the problems that the community is dealing with have to do with the bridge which is located on their portion of the stream. Mr. Simoneau said that the City has provided technical assistance but cannot provide financial support. Councilmember Newton suggested that this matter be discussed more through budget deliberations. Councilmember Moore thanked staff for their diligence in

refinancing the \$7 million bond which realized a savings of \$627,000 as a result of a lower interest rate.

Motion: to introduce Consent Agenda Item E – a Bond Ordinance to Authorize the Issuance and Competitive Sale of Tax-Exempt 2013A General Obligation Bonds in an amount not to Exceed \$20,000,000 for the purpose of financing the construction of water, sewer and stormwater system improvements as reflected in the City's FY 2013 Capital Improvement Program (CIP) and Related Issuance Costs.

Moved by Councilmember Newton, seconded by Councilmember Hall and unanimously approved.

Councilmember Pierzchala referenced a prior Mayor and Council meeting of the last term where congressional redistricting was discussed and the proposal that what was posted on the web did not accurately depict what was passed. He also noted that the minutes on this topic were not much help when he was researching this on the web.

11. Introduction and Adoption of an Ordinance to Adopt an Amendment to the Comprehensive Master Plan for the City of Rockville, Maryland to Adopt by Reference the Entire Montgomery County Heritage Area Management Plan

Councilmember Hall introduced this item.

Motion: to waive the layover period for the Adoption of the Ordinance to Adopt an Amendment to the Comprehensive Master Plan for the City of Rockville, Maryland to Adopt by Reference the Entire Montgomery County Heritage Area Management Plan

Moved by Councilmember Hall, seconded by Councilmember Newton and unanimously approved.

Motion: to adopt the Ordinance to Adopt an Amendment to the Comprehensive Master Plan for the City of Rockville, Maryland to Adopt by Reference the Entire Montgomery County Heritage Area Management Plan.

Moved by Councilmember Moore, seconded by Councilmember Hall and unanimously approved.

Councilmember Pierzchala mentioned that he saw a 3-page ad from the State of Maryland, Montgomery County, Prince George's County, and others, regarding the Underground Railroad. He said that the Heritage Program was responsible and that it was a very nice piece.

12. Introduction and Adoption of an Ordinance (Attachment A) to Adopt an Amendment to the Adopted Comprehensive Master Plan for the City of Rockville by Amending the Montgomery County Heritage Area Management Plan to Include a Rockville Chapter.

Councilmember Hall introduced the ordinance. No second was necessary.

Motion: to waive the layover period for the Adoption of an Ordinance to Adopt an Amendment to the Adopted Comprehensive Master Plan for the City of Rockville by Amending the Montgomery County Heritage Area Management Plan to Include a Rockville Chapter.

Moved by Councilmember Newton, seconded by Councilmember Moore and unanimously approved.

The Mayor and Council expressed their appreciation to Historic Planner Robin Ziek for all of her efforts.

13. Discussion and Instructions to Staff - Zoning Ordinance Text Amendment TXT2013-00235, To Revise Section 25.07.02 of the Zoning Ordinance to Amend the Procedures for the Filing and Processing of Site Plan Applications in the Town Center Performance District, and to Revise Section 25.07.03 to Require Notice of the Filing of Any Level 2 Site Plan or Project Plan Application to All of the City's Civic Associations and Homeowners Associations; Mayor and Council of Rockville, Applicant

Planner Deane Mellander gave the staff report on this item, presenting the history, background, the Planning Commission's recommendation and a summary of the public testimony.

There was discussion on other types of projects that might apply under this legislation such as College Gardens Plaza, Stonestreet and Rockville Pike. Anything in pipeline would come under the existing process and all new developments would be subject to the new ordinance. There is a desire to avoid adding an automatic layer of red tape on new projects. At the conclusion of the discussion, the Mayor and Council directed staff to prepare an ordinance to adopt the text amendment with a provision that excludes any pending projects.

14. Review and Comment Regarding Mayor and Council Action Report

There was no discussion under this item.

15. Review and Comment Regarding Future Agendas

City Clerk Barber mentioned a revision he had made to the document that simply corrected a typographical error. There was discussion on the lengthy agenda for the February 4th meeting where both the Financial Advisory Board and the Ethics ordinance would be discussed. Councilmember Pierzchala suggested swapping the order so that the Ethics discussion would occur before the Financial Advisory Board discussion. Councilmember Newton said that she does not agree and would like to keep it the way it is, with the Financial Advisory Board discussion to occur before the Ethics discussion.

Regarding the Financial Advisory Board, Councilmember Hall reminded everyone to submit their revisions to Councilmember Newton so that they can be available before the meeting on February 4. Regarding Senator Raskin's Bill on ethics legislation, Councilmember Moore inquired whether there was a new draft. Assistant to the City Manager Linda Moran will contact Senator Raskin's office to inquire about an updated timeline and whether or not there have been any revisions since the last time the Mayor and Council received it.

Councilmember Hall agrees that this will be a lengthy, intense discussion and said that the Council is committed to having meaningful ethical standards. Councilmember Moore inquired about the status of the City's legislation that was sent to the State Ethics Commission and City Attorney Daniel responded that she has not heard anything further.

There was discussion on the status of the Board of Supervisors of Elections in view of recent resignations and vacancies.

With respect to the Stonestreet pedestrian bridge, Councilmember Pierzchala has concerns with the fact that this was pulled out of budget considerations and feels as though it should be considered, along with all the other projects, as part of the overall budget process. There was agreement to remove this discussion from the February 11 agenda and to include it in the budget deliberations.

16. Old/New Business

No old or new business items were discussed.

17. Adjournment

There being no further business, the meeting adjourned at 8:33 p.m.

Motion: to adjourn.

Moved by Councilmember Newton, seconded by Councilmember Hall and unanimously approved.